



NOISE ORDINANCE REVIEW COMMITTEE (NORC)

**WEDNESDAY, NOVEMBER 19, 2003
6:00-8:00 p.m.**

**VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #120**

1. Attendance
2. Approval of Minutes:
September 17, 2003
October 15, 2003
3. Review of the following Sections of the existing Noise Ordinance Section 17-3.
 - (c) Radios, Televisions, Photographs, Musical Instruments, etc.
 - (h) Loudspeaker or sound amplification

Burglar Alarms - New section.
4. Committee reviews the ordinance that was approved in previous meetings.
5. Approval of Revised Schedule
6. Public comment.
7. Next Meeting Date
8. Adjournment



**Noise Ordinance Review Committee
Meeting Minutes
By: Jose F. Penichet, Co-Secretary**

Noise Ordinance Review Committee
Meeting Notes from September 17, 2003
By: Jose F. Penichet, Co-Secretary

1. Meeting called to order by Co-Chair: Michael Carsch

A. Appointed members in attendance:

Michael Carsch
Ana Brennan
Luis Arrondo

Bill Pickell
Ramon Rodriguez
Jose F. Penichet

B. Also in attendance:

Jud Kurlancheek, Director of B.Z.P.
Alex Palenzuela, Village Attorney.
Nick Ismaeloff, Police Department.

C. Members absent:

Clinton Archambault
Serge Barder

II. Old business:

A. Review and approval of Minutes from Meeting of August 13, 2003

B. Next meeting scheduled for August 13, 2003

C. Brief explanation of the Sunshine law.

Jud explained that all communication between Committee members must be thru him.

III. Key Biscayne Noise Ordinance vs. other Comparable Municipalities:

- A. It was agreed that the KB Noise Ordinance was very similar to the ones from other Comparable Municipalities, and that we will use ours and modify it.
- B. Jose F Penichet asked Jud Kurlancheek to provide the Committee members with a copy of the Miami Beach Noise Ordinance for the next meeting.
This Ordinance is believed to allow hotels and restaurants outside music and parties only 3 times a year.

IV. Noise complaint chart for years 2000 and 2001.

Bill Pickell noted that no citations were issued in the 2-year period, and only 21 warning notices were issued for the same period.

Lieutenant Nick Ismaelloff indicated that, as written, the ordinance is difficult to enforce and most of the complaints were resolved by voluntary compliance or the violation was cleared prior to the police arrival.

Brief discussion of adult conversation violations and kids playing outside and in private followed.

V. Review of Section 17-3 “Prohibited acts” followed:

A. “Excessive noise” 17-3(a):

It was agreed to leave as presently written.

B. “Power tools and landscaping equipment” 17-3 (p)

1. Bill Pickell objected to the 7:00 am time on weekdays. He proposed 10:00 am.
2. Bill Pickell made motion not to allow commercial use of this equipment on Saturdays, Sundays, and Holidays. Motion was not seconded, therefore motion died.
3. Bill Pickell proposed 10:00 am to 6:00 pm Saturdays only for non-commercial operations. Some members objected citing that Jewish people can't work on Saturday.
4. 17-3 (p) 1 and 2 will remain as written. Motion was seconded and passed.
5. 17-3 (p) 3. Non-commercial use will be changed to “Saturday after 10:00 am. Motion was seconded and passed.
6. A motion to include Commercial and Condos in 17-3 (p) 3 was passed.
7. Jud Kurlancheek expressed the Mayor's motion to ban leaf blowers from The Village. Motion was not entertained.

C. “Horns and Signals” 17-3 (b)

1. Motion to leave 17-3 (b) as presently written passed.
2. Police will issue a warning the first time, and a citation the second time.

D. “Animals and Birds” 17-3 (d)

1. Bill Pickell proposed to change the hours presently stipulated in the Ordinance.
2. A motion to strike out the time frame “before 7:00 am and after 11:00 pm” was introduced. Luis Arrondo said that the present time frame had a purpose: “to allow the animals to go outside.”
3. Also the “distance of 100 ft.” was discussed.
4. Co-Chair Michael Carsch made motion to strike out “before 7:00 am or after 11:00 pm.” and “at a distance of 100 feet”. Motion was seconded and unanimously approved.

2.

E- “Exhausts” 17-3 (e). Voted to leave as is written.

F- “Fire arms and explosives” Motion to leave as is written was unanimously passed.

G. "Loading and unloading" 17-3 (l)

- (1) Add "Friday"
- (2) Saturday 10:00 am ?
- (3) Change to "after 6:30 pm"

H- 17-3 (c) To be discuss in next meeting.



DT: November 4, 2003

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 (a) Excessive noise

4.	Oct 15	<p>Review of Key Biscayne Noise Ordinance Sec 17-3</p> <ul style="list-style-type: none"> (k) Defect in Motor Vehicle or Motorboat (l) Hawkers/peddlers (m) Schools, courts, hospitals, places of religious worship (n) Aircraft (o) Open air concerts, musical broadcasts, etc. (q) Leaf blowers <p>Section 17-4 Permits for Special Events Section 17-5 Exemptions Section 17-6 Enforcement Section 17-7 Penalties</p> <p>Review of complaints and violations</p>
5.	Nov 19	<p>Review of Key Biscayne Noise Ordinance Sec 17-3</p> <ul style="list-style-type: none"> (c) Radios, Televisions, Photographs, Musical Instruments, etc. (h) Loudspeaker or sound amplification <p>Burglar Alarms - New section. Committee reviews the ordinance that was approved in previous meetings.</p>
6.	Jan 21	<p>Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the public hearing, changes are made, and the Committee votes to approve an ordinance for consideration by Council.</p>
7.	Feb 18	<p>Committee appears before Council and requests public hearings (2).</p>
8.	Mar 17	<p>Council holds two public hearings.</p>



**VILLAGE OF KEY BISCAYNE
NOTICE OF PUBLIC MEETING REGARDING THE NOISE
ORDINANCE REVIEW COMMITTEE (NORC)**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON NOVEMBER 19, 2003, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 (FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149. IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL MAY BE ATTENDING THIS MEETING.

Posted in the Village Hall November 7, 2003